

REMARKS

After entry of this amendment, claims 4-24 are pending. Claim 1 has been cancelled without prejudice or disclaimer. New claim 24 has been added and finds support *inter alia* in the original claims. The claims have been amended without prejudice or disclaimer to correct the dependency in view of the cancellation of claim 1. Support is found *inter alia* in the original claims. Claims 12, 18 and 19 have been further amended without prejudice or disclaimer and find support *inter alia* in the original claims. No new matter has been added.

The above claim amendments provide further clarification to the claimed subject matter and further narrow the scope of the claims and thus, do not present any new issues that require further consideration or search. It is noted that the subject matter recited in new claim 24 includes the subject matter previously recited in, for example, claims 18 and 19. Thus, new claim 24 also does not present any new issues that require further consideration or search. Additionally, the total number of claims is not increased in view of the cancellation of claim 1. Accordingly, Applicants respectfully request entry of the above claim amendments as they are believed to put the claims in condition for allowance or, alternatively, in better form for consideration on appeal. Thus, entry under 37 CFR §1.116 is correct.

Claim Rejection – 35 U.S.C. § 103

Claims 1 and 4-22 are rejected under 35 U.S.C. § 103(a) as being obvious over Knutzon *et al.*, in view of Beaudoin *et al.* and Parker-Barnes *et al.*, and further in view of one or more of GenBank Accession No. AX214446, Girke *et al.*, and Mukerji. Applicants respectfully disagree.

Without acquiescing to the merits of the Examiner's characterization of the cited references and arguments in finding obviousness, and solely for expediting prosecution, claim 1 has been cancelled without prejudice or disclaimer. Additionally, the remaining claims have also been amended without prejudice or disclaimer to depend, directly or indirectly, from claim 23. As indicated by the Examiner at pages 1 and 8 of the Office Action, claim 23 is allowed. Accordingly, Applicants believe that the present amendments render the rejection moot, or alternatively, overcome the rejection.

In view of the present amendments, reconsideration and withdrawal of the rejection, as well as allowance of the present claims, is respectfully requested.

CONCLUSION

In view of the above remarks and further in view of the above amendments, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Applicants reserve all rights to pursue the non-elected subject matter in one or more divisional applications, if necessary.

This response is filed within the three-month period for response from the mailing of the Office Communication. No fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00043-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By / Hui-Ju Wu /

Hui-Ju Wu, Ph.D.

Registration No.: 57,209

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P. O. Box 2207

Wilmington, Delaware 19899-2207

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants

#781183